

MAR 22 2018

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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JAMES NATHANIEL WHITFIELD,
Petitioner,

Civil Action No. 7:17-cv-00569

MEMORANDUM OPINION

v.

MELVIN DAVIS,
Respondent.

By: Hon. Michael F. Urbanski
Chief United States District Judge

James Nathaniel Whitfield, a Virginia inmate proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. By the Order entered on January 12, 2018, the court, inter alia, informed Petitioner that he must pay the \$5.00 filing fee or apply to proceed in forma pauperis and granted him ten days to comply. The Order advised Petitioner that failing to comply would result in the petition's dismissal without prejudice.

Although Petitioner complied with other directives of the Order, he has not paid the filing fee or applied to proceed in forma pauperis. Accordingly, the petition is dismissed without prejudice because Petitioner failed to comply within the time allowed. Based upon the court's finding that Petitioner has not made the requisite substantial showing of a denial of a constitutional right as required by 28 U.S.C. § 2253(c) and Slack v. McDaniel, 529 U.S. 473, 484 (2000), a certificate of appealability is denied.

ENTER: This 22nd day of March, 2018.

/s/ Michael F. Urbanski

Chief United States District Judge